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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,181	08/27/2001	Derek Dawkins	56344.US	6305

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/25/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,181

Applicant(s)

DAWKINS, DEREK

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,63-65 and 110 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,63-65 and 110 is/are rejected.
- 7) ☒ Claim(s) 6-62 and 66-109 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 63-65, & 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Wilson.

Regarding claim 1 Katz teaches a mobile telephone carrying casing, which can encase, contain and protect a mobile telephone carried thereby (see col. 1, lines 40-44 and col. 2, lines 34-37). Katz teaches the casing is an integer separate and independent from the carried mobile telephone, which consists wholly or principally of a rigid plastics material (see col. 1, lines 40-41 & 53-55 and col. 2, lines 34-35). Katz teaches the casing comprises at least two parts, defining front and rear components, the front component encasing the front face of the mobile telephone and the rear component encasing the rear face of the mobile telephone, the components meeting in a line spaced apart from the front and rear faces of these components (see col. 3, lines 56-62). Katz does not specifically teach the casing allowing a user to operate the encased mobile telephone whilst carried in the casing. Wilson teaches casing that allows a user to operate the encased mobile telephone whilst carried in the casing (see col. 4, lines 14-27 and FIG. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include casing allowing a user to operate the encased mobile telephone

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whilst carried in the casing because this would allow for improved shielding for a mobile telephone during communication.

Regarding claim 2 Katz teaches a mobile telephone carrying case wherein no part of the encased mobile telephone extends beyond the casing (see col. 1, lines 40-42 & 53-56 and FIG.1).

Regarding claim 3 Katz teaches a mobile telephone carrying casing wherein the front and rear components meet in a place substantially parallel to the front and rear faces (see col. 3, lines 56-62 and FIG. 5).

Regarding claim 4 Katz teaches a mobile telephone carrying casing wherein the meeting line between front and rear components is non-linear (see col. 3, lines 56-62 and FIG. 5).

Regarding claim 5 Katz teaches a mobile telephone carrying casing wherein the non-linear meeting line is of castellated form (see col. 1, lines 40-41, col. 3, lines 56-62 and FIG. 5).

Regarding claim 63 Katz teaches a mobile telephone carrying casing, which can encase, contain, and protect a mobile telephone carried thereby (see col. 1, lines 40-44 and col. 2, lines 34-37). Katz teaches the casing is an integer separate and independent from the carried mobile telephone, which consists wholly or principally of a rigid plastics material (see col. 1, lines 40-41 & 53-55 and col. 2, lines 34-35). Katz teaches the casing comprises at least two parts, which can be separated to allow introduction of a mobile telephone between the parts and joined together to encase the introduced mobile telephone (see col. 1, lines 40-41 & 53-54 and col. 3, lines 56-62). Katz teaches at least one part is provided with electromagnetic radiation screening (see col. 1, lines 40-44). Katz does not specifically teach the casing allowing a user to operate the encased mobile telephone whilst carried in the casing. Wilson teaches casing that allows a user to operate the encased mobile telephone whilst carried in the casing (see col. 4, lines 14-27 and

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FIG. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include casing allowing a user to operate the encased mobile telephone whilst carried in the casing because this would allow for improved shielding for a mobile telephone during communication.

Regarding claim 64 Katz teaches the electromagnetic radiation screening provides a shield positioned between a head of a user and the encased mobile telephone (see col. 1, lines 34-44 and col. 2, lines 34-40).

Regarding claim 65 Katz and Wilson teach a device as recited in claim 63 or claim 64 except for the electromagnetic radiation screening causes attenuation of the electromagnetic radiation only on the side of the casing nearest a head of a user, the electromagnetic radiation being free to radiate from the remainder of the casing without attenuation. Katz does teach electromagnetic radiation screening that causes attenuation of the electromagnetic radiation on the side of the casing nearest a head of a user (see col. 1, lines 34-44 and col. 2, lines 34-37). Wilson does teach electromagnetic radiation screening that causes shielding of electromagnetic radiation only on the side of the casing (see col. 1, lines 33-35 and col. 4, lines 50-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include electromagnetic radiation screening causes attenuation of the electromagnetic radiation only on the side of the casing nearest a head of a user, the electromagnetic radiation being free to radiate from the remainder of the casing without attenuation because this would allow for an improved electromagnetic shielding device for a mobile telephone able to receive and transmit signals with reduced interference.

Regarding claim 110 Katz teaches encasing, containing and protecting a mobile telephone, and of screening electromagnetic radiation emitted by the mobile telephone (see col. 1, lines 31-44 and col. 2, lines 34-37). Katz teaches providing a carrying casing which is an integer separate and independent from the carried mobile telephone which consists wholly or principally of a rigid plastics material, the casing comprising at least two separate parts having connecting means and an electromagnetic screening means (see col. 1, lines 31-44 & 53-55, col. 2, lines 34-35, and col. 3, lines 56-61). Katz teaches separating the casing into the at least two parts (see col. 3, lines 56-59). Katz teaches introducing the mobile telephone to be carried into one of the separated parts; and joining the at least two parts to encase the mobile telephone and using the connecting means to secure the casing (see col. 1, lines 40-41 & 53-56). Katz teaches the electromagnetic screening attenuates electromagnetic radiation emitted by the carried mobile telephone (see col. 1, lines 31-44). Katz does not specifically teach the casing allowing a user to operate the encased mobile telephone whilst carried in the casing. Wilson teaches casing that allows a user to operate the encased mobile telephone whilst carried in the casing (see col. 4, lines 14-27 and FIG. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include casing allowing a user to operate the encased mobile telephone whilst carried in the casing because this would allow for improved shielding for a mobile telephone during communication.

Claim Objections

Claims 6-62 and 66-109 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitchell U.S Patent No. 6,082,535 discloses a protective covering for a cell phone or a pager.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 10, 2004



**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**